

<p>THE UNITED STATES OF AMERICA for the use and benefit of J. SCADUTO & SON, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>LIBERTY MUTUAL INSURANCE CO. and AGENCY CONSTRUCTION CORP.,</p> <p style="text-align: center;">Defendants.</p>	<p>UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK</p> <p style="text-align: center;">Civil Action No. 08 CV 01885 (GEL) "ECF Case"</p> <p style="text-align: center;">NOTICE OF MOTION</p>
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PLEASE TAKE NOTICE, that upon the annexed Declaration of Paul A. Montuori, Esq., sworn to on June 27, 2008, the pleadings attached as exhibits thereto, and the accompanying Memorandum of Law in Support of this Motion, plaintiff J. Scaduto & Son, Inc., will move this Honorable Court, before the Honorable Gerard E. Lynch, United States District Judge, for an Order pursuant to Rule 12(c) and Rule 12(b)(6) of the Federal Rules of Civil Procedure, granting plaintiff judgment on the pleadings herein and dismissing Defendant Agency Construction Corp.'s counterclaims in their entirety.

I declare under Penalty of Perjury that the foregoing is true and correct.

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Dated: July 7, 2008
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